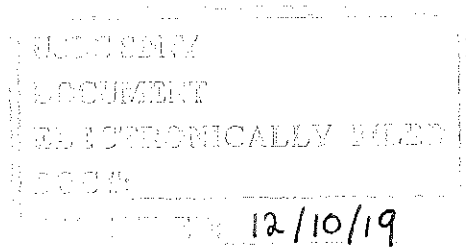


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



In re

PURDUE PHARMA L.P, et al.,

Chapter 11  
Case No. 19-23649 (RDD)  
(Jointly Administered)

Debtor.

BRYANT C. DUNAWAY, in his official capacity as the District Attorney General for the Thirteenth Judicial District, Tennessee, JENNINGS H. JONES, in his official capacity as the District Attorney General for the Sixteenth Judicial District, Tennessee, ROBERT J. CATER, in his official capacity as the District Attorney General for the Seventeenth Judicial District, Tennessee, BRENT A. COOPER, in his official capacity as the District Attorney General for the Twenty-Second Judicial District, Tennessee, LISA S. ZAVOGIANNIS, in her official capacity as the District Attorney General for the Thirty-First Judicial District, Tennessee, and BABY DOE, by and through his Mother,

Appellants,

19 Civ. 10941 (CM)

-against-

PURDUE PHARMA L.P., PURDUE PHARMA INC.,  
PURDUE TRANSDERMAL TECHNOLOGIES L.P.,  
PURDUE PHARMA MANUFACTURING L.P., PURDUE  
PHARMACEUTICALS L.P., PURDUE PHARMA OF  
PUERTO RICO, PURDUE PHARMACEUTICAL  
PRODUCTS L.P., RHODES PHARMACEUTICALS L.P.,  
RHODES TECHNOLOGIES, and AVRIO HEALTH L.P.,

Debtors-Appellees.

**MEMORANDUM ORDER DENYING MOTION FOR LEAVE TO APPEAL  
PRELIMINARY INJUNCTION ORDER**

McMahon, J.:

On September 18, 2019, the Debtors-Appellees commenced an adversary proceeding and filed a Motion for a Preliminary Injunction seeking a time-limited stay of litigation against the Debtors and related third parties. (*In re Purdue Pharma L.P.*, Case No. 19-23649, Adv. Pro. No. 19-08289 (Bankr. S.D.N.Y. Oct. 11, 2019) ECF No. 2.) That motion was contested, as Appellants—and hundreds of other plaintiffs in proceedings against the Debtors and related parties—opposed the Debtors' motion in briefing and deposed the Debtors' witnesses.

After a hearing on October 11, 2019, the Bankruptcy Court entered an order granting the Debtors' motion, in part, through November 6, 2019, on which date the Bankruptcy Court set a further hearing on the motion. (Order Pursuant to 11 U.S.C. § 105(a) Granting, In Part, Motion for a Preliminary Inj., *In re Purdue Pharma L.P.*, Case No. 19-23649, Adv. Pro. No. 19-08289 (Bankr. S.D.N.Y. Oct. 11, 2019) ECF No. 82., the "Preliminary Injunction Order.") After that November 6 hearing, the Bankruptcy Court entered the Preliminary Injunction Order, which fully and finally resolved the Debtors' Motion for a Preliminary Injunction.

The Preliminary Injunction Order is thus a final order. In this Circuit, bankruptcy orders are final where, as here, they dispose of discrete disputes within the umbrella litigation and the bankruptcy court grants the relief requested without contemplating further proceedings on the matter in dispute. *Pfizer Inc. v. Law Office of Peter G. Angelos (In re Quigley Co., Inc.)*, 676 F.3d 45, 51 (2d Cir. 2012); *Lomas Fin. Corp. v. N. tr. Co. (In re Lomas Fin. Corp.)*, 932 F.2d 147, 151 (2d Cir. 1991). Accordingly, a "preliminary" injunction issued by a bankruptcy court is a final, appealable order where, as here, the order "contemplates no further hearing on the merits of the injunction." *Air Line Pilots Assoc. Int'l v. Shugrue (In re Ionosphere Clubs, Inc.)*, 139 B.R. 772, 778 (S.D.N.Y. 1992).

Appellants' motion for leave is therefore dismissed as moot. Appellants can appeal—and have appealed—the Preliminary Injunction Order as of right. *See, e.g. Bradshaw v. IRS (In re Bradshaw)*, 283 B.R. 814, 817 (BAP 1st Cir. 2002) ("Since final orders may be appealed without the permission of [the reviewing court], the motion for leave is denied as moot."). (*See* Notice of Appeal and Statement of Election, *In re Purdue Pharma L.P.*, No. 19-cv-10941 (S.D.N.Y. Nov. 26, 2019) Dkt. No. 1; Notice of Appeal and Statement of Election, *In re Purdue Pharma L.P.*, Case No. 19-23649, Adv. Pro. No. 19-08289 (Bankr. S.D.N.Y. Nov. 20, 2019) ECF no. 116.)

### CONCLUSION

Appellants' Motion is DENIED as moot. The Clerk of the Court is directed to remove the motion at Docket #3 from the court's list of open motions.

Dated: December 10, 2019



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Chief Judge

BY ECF TO ALL COUNSEL